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Intellectual Ammunition

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Potshots

Although the Governor's alleged conduct, if true, may certainly be characterized as boorish and offensive, even a most charitable reading of the record in this case fails to reveal a basis for a claim of criminal sexual assault.

—Judge Susan Webber Wright

If you tell a girl that's working for you, "If you don't sleep with me you're fired"—that's sexual harassment. Anything beyond that is just trying to get laid.

—Larry Flynt
publisher of *Hustler* magazine

[Bill Clinton's] basic credo in life is, "I will do whatever I can get away with."

—Rep. Dick Armey

[Clinton] has such a tremendous personality that I think the ladies just go wild over him.

—Billy Graham

Too many lies are being told. Too many lives are being destroyed. And I think it's time for the truth to come out.

—Kathleen Willey

If [David] Brock sincerely feels he owes the president an apology for what he has written, it is only logical and fair that he takes the profits he earned from his "Troopergate" labors and contribute them to the president's defense fund.

—R. Emmett Tyrrell Jr.

"It's the Size of Government, Stupid!"

Lewis K. Uhler

President Bill Clinton has been successful by staying on message: "It's the economy, stupid!"

Fiscal conservatives in Congress would do well to remember what message got them there in the first place—and what will keep them there: "It's the size of government, stupid!"

The highway bill has moved them off message, big time. Their first response to "excess" or surplus revenue (projections) has been to spend them. Pork-laden "demonstration" projects proliferate.

If President Clinton is smart enough to veto the bill, as the White House and some of the liberal media have signaled, the last vestige of Congress's claim to fiscal leadership will evaporate. The American people will be justified in believing "there's not a dime's worth of difference" when they next go to the polls.

Conference work on the highway bill must be deferred until other spending is cut, as part of the overall budget package, or unless the 1998 budget caps for transportation are honored, lest we give the real big spenders a "Mack-truck" size political opening.

The size of government, relative to the economy as a whole, is the key objective that should guide fiscal policy. In my book *Setting Limits*, earlier this decade, I cited World Bank and Rand Corporation studies that determined that for each 10 percent of a nation's economy controlled by the government, the annual economic growth rate would be reduced by 1 percent (compounded, of course).

Recently, a Joint Economic Committee study by James Gwartney, Robert Lawson, and Randall Holcombe confirmed once again the inverse relationship between the size of government and the economic health of a nation . . . but it shows even greater adverse impact than the earlier studies.

In a recent *Wall Street Journal* summary of the study, Gwartney stated, "On average, government expenditures in the Organization for Economic Cooperation and Development's 23 long-standing members rose to 48 percent of GDP in 1996 from 27 percent in 1960. The average economic growth rate fell from 5.5 percent in the 1960s to 1.9 percent in the 1990s.

"Even through the evidence clearly shows that excessive government expenditures are retarding economic growth, politicians continue to focus on how to spend a possible surplus. What the U.S. and other nations need instead is a long-range strategy to reduce the size and scope of government."

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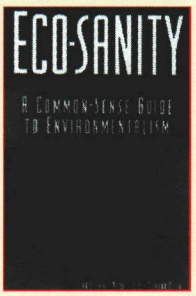

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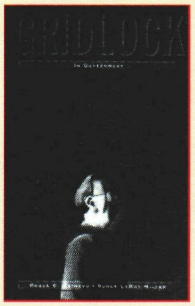

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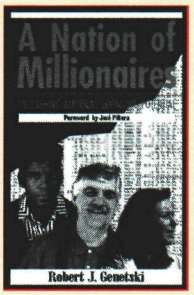

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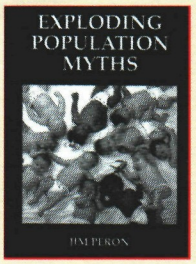

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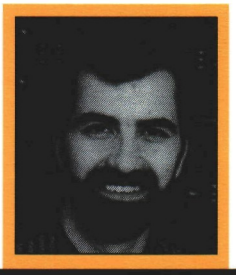

News from the Heartland

by Joseph L. Bast
Publisher

The coming elections: Cake walk or mine field?

Ah, summertime! Most state legislatures adjourned early this year to allow their members to get a head start on reelection campaigns. As this is written, Congress is trying to get out early, too.

Opinion polls show nearly record high levels of voter approval of Congress and of elected officials generally. A strong economy has turned deficits into surpluses, allowing bipartisan talk of tax cuts and new spending initiatives.

So this election season should be a cake walk, right? Wrong. This year, more so than in any year in recent memory, voters seem to want candidates to face big issues and big ideas. Peace, prosperity, and growing disrespect for what everyone calls "the government" seem to be liberating voters from the traditional rules that once made some ideas "too radical" to merit serious debate.

At the national level, those "radical" ideas are privatizing Social Security, abolishing the Internal Revenue Service, and stopping international environmental treaties that threaten American jobs and national sovereignty. These are hot-button issues for the critical swing vote in districts all across the country.

At the state level, parental choice in education has gone from being a right-wing slogan to the highest priority of such political heavyweights (and unlikely bedfellows) as Focus on the Family and the National Association of Manufacturers. Candidates will be asked to choose sides: needy parents seeking to enroll their children in safer (and less expensive) private schools, or powerful teacher union bosses trying to stop them by standing in schoolhouse doors.

In years past, only a "radical fringe" would have phrased the school reform debate in those terms. Today, with polls showing over 60 percent of parents and over 80 percent of minorities favoring vouchers, challengers are only too happy to use the issue to establish their pro-family and pro-child credentials.

Did you vote against parents and for teacher unions during the past two years?

Health care privacy is another issue that may derail more than a few reelection campaigns. Read Twila Brase's column on page 7. Make copies of it for all your advisors, contributors, and media contacts. This issue is red hot at the grassroots level, even though reporters—who tend to be young, healthy, and pro-technology—are failing to report it.

Voters are alarmed by the federal plan (part of the 1996 Health Insurance Portability and Accountability Act (HIPAA)) to assign everyone a Unique Patient Identifier (UPI), enabling the government and its friends, the greedy HMOs, to track their medical treatment and that of their children. They have a right to be. This is Big Brother at its worst.

If you are an incumbent, you probably voted for the legislation that implemented HIPAA in your state. *You voted against patient privacy and for Big Brother.* Expect that to be used against you this Fall.

This year, voters want choices presented to them in black and white, not the shades of grey that otherwise allow candidates to duck controversial issues. For some candidates, this year's campaign will seem a lot more like a walk through a mine field than the cake walk they now expect.

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Publisher: Joseph L. Bast ❖ **Editor:** Diane Carol Bast ❖ **Art Director:** Matthew J. Nutting

Contributing Editors: *Crime* Morgan Reynolds, National Center for Policy Analysis; *Education* George Clowes, The Heartland Institute; *Environment* Jonathan H. Adler, Competitive Enterprise Institute; *Health Care* Twila Brase, Citizens for Choice in Health Care; *Law* John E. Kramer, Institute for Justice; *Privatization* Adrian T. Moore, Reason Foundation; *Regulation* Murray Weidenbaum, Center for the Study of American Business; *Taxes* Stephen Gold, Tax Foundation; *Welfare* Robert Rector, The Heritage Foundation.

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continued from page 1

This is not merely a matter of economic growth and material well-being. The stakes are far greater, for "he who pays the piper calls the tune." Tax revenues are the life blood of government's power to trample on individual rights and to fund programs that undermine children, families, and free private institutions.

What the U.S. and other nations need instead is a long-range strategy to reduce the size and scope of government.

The current U.S. surplus is likely to be tens of billions of dollars larger this '98 fiscal year than any official federal agency is willing to say. What we do with that surplus will not only affect the size and power of government this year but determine the trend for years to come.

Tax cuts are the answer. Whose money is it, anyway? Give it back to the producers. Keep a lid on spending all the while—and cut out even more useless, wasteful federal programs and agencies.

There are many worthwhile tax cut options pending before Congress: eliminating the marriage penalty, broadening the 15 percent tax bracket to provide greater middle-class tax reductions, providing for deductibility of FICA contributions, elimination of estate taxes, interest/dividend exemptions for small savers, further IRA incentives, etc. Washington "newspeak" challenges every tax cut proposal with the question: What does the tax cut "cost?" In an era of surpluses, that question is inane.

By making tax cuts the center of the debate, we can move President Clinton's new spending proposals to the sidelines. He will be out of step with a growing majority of Americans who will find tax cuts and other "non-spending" alternatives attractive in direct proportion to the size of the surplus.

To the extent that we feel morally compelled to use some of the surplus to retire debt, let's address the debt most likely to get us in deep trouble: the $8 trillion+ unfunded liability of the Social Security system. We should begin a serious "workout" of a bankrupt system by allowing current workers to make a trade-off: reduced future Social Security benefits, in exchange for the right to allocate part of their FICA contributions to individual retirement accounts. They can take advantage of compound interest and build real financial assets for a secure and independent future, all the while spurring national economic growth.

Meanwhile, in an era of surpluses, there is absolutely no justification for increasing taxes—anyone's taxes—whether those taxes are aimed at companies, goods, or services deemed to be good guys or black hats. It is not government's business nor right to use the tax system to punish legal products and enterprises.

The notion of imposing additional taxes on tobacco products is totally misguided. If the motivation is to punish tobacco companies themselves, an excise tax misses its mark. It falls largely on low- and middle-income individuals and families. It has been estimated that two-thirds of any cigarette tax or tax increase is paid by families earning $40,000 a year or less. It is, in the words of economists, "regressive." Liberals should recoil from it. And why should we add to the surplus?

It is not government's business nor right to use the tax system to punish legal products and enterprises.

Remember, it's the size of government that counts. If the surplus is spent, they win, we lose. Tax cuts—not just no new taxes—should be our rallying cry in the coming years!

❖

Lewis K. Uhler is president of the National Tax Limitation Committee. Reprinted with permission from an April 15, 1998 NTLC memorandum.

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Crime

Morgan O. Reynolds

Morgan Reynolds is director of the Criminal Justice Center at the National Center for Policy Analysis.

Weeping for the Criminal?

The other day, I read two stories in the newspaper, nearly side by side, that captured a lot about what is both right and wrong with our national thinking about crime.

News item: A 14-year-old boy fatally shoots a teacher and wounds another teacher and two teenagers at an eighth-grade dance on a Friday night in April in Edinboro, a small town in northwestern Pennsylvania. The lawyer remarks of his young client-murderer, "He's devastated." At a memorial service for the slain teacher, the Rev. Robert Schmidt urged his congregation to avoid blaming any one.

Fortunately, at least one person at the scene of the crime recognized that someone was responsible, and took action. James Strand, a banquet hall owner who was worried about the safety of his family, confronted the shooter and "coaxed" him into dropping his gun and giving up peacefully. Instrumental to the success of this persuasion was the shotgun in Mr. Strand's hands, aimed at the killer. Score another one for the armed, law-abiding citizen.

We might also score one for the Pennsylvania criminal justice system, which charged the 14-year-old killer, Andrew Wurst, with what he actually did: criminal homicide, aggravated assault, reckless endangerment, and gun and drug charges. "Charged as an adult," as the media describe it, might more appropriately be labeled "equal justice for all." Perhaps other states will send delegations to Pennsylvania to investigate this concept.

News item: Almost half the female inmates and 13 percent of jailed men report having been sexually or physically abused at least once in their lives, according to a survey of inmates from the nation's 3,300 local jails. About half the nation's nearly 600,000 jail inmates grew up in single-parent homes, and 12 percent had lived in households without either parent, according to a study by the Justice Department's Bureau of Justice Statistics. Painting a picture of broken lives, more than a third said they were unemployed before their most recent arrest and almost half said a relative had spent time in jail or prison.

Unsurprisingly, troubles are correlated, although very imperfectly. Many people with similar backgrounds are not in jail and never committed any crimes. But the standard sociologist is not content with that. "The tragedy is that people who have been victimized often become victimizers themselves," said Eric E. Sterling, president of the Washington-based Criminal Justice Policy Foundation, in an AP story. "It's a cycle we could break, but it involves some expense. As a society, we haven't put our resources there."

Sterling's confidence is breathtaking. A cycle we could break? If only those selfish taxpayers were not so stingy about "some expense," we experts could clear up the whole problem. We have the knowledge, why sure we do. (No money-back guarantee offered.) We could stop the victimization of children and break the cycle of violence. Just look at our record of success in social engineering during this century!

Social scientist and contrarian Charles Murray also endorses spending money in his 1997 essay, "Does Prison Work?" "Restoring both lawfulness and civility means spending more money to pay for more police, more prosecutors, more courtrooms and, yes, more prisons," he writes. "The price for letting crime get out of hand is high."

Research psychologist Sarnoff Mednick of the University of Southern California agrees that crime stays low if it doesn't pay. He compared the criminal histories of thousands of young criminals in Copenhagen and Philadelphia and found that consistent punishment was the key. Punishment delivered after every offense significantly reduced later offenses. But an offender punished for earlier crimes who received nothing for later offenses resumed criminal activity at higher rates.

> *Restoring lawfulness means "discarding most of the system's sympathy for the offender," observes Charles Murray.*

"The way to reduce prison populations is to punish offenders from their first offense with graduated, increasingly severe, and certain sanctions," writes Mednick. "The big problem with our handling of criminals in America is that they're not punished. People are usually surprised to hear that, because of all our prisons." But it's true. Mednick's data show that only 14 percent of the four- and five-time offenders in Philadelphia were punished, compared with 60 percent of those in Denmark.

Restoring lawfulness means "discarding most of the system's sympathy for the offender," observes Charles Murray. The accumulation of evidence shows that crime is both deterred and prevented by the use of strict enforcement and meaningful punishment.

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Juvenile Justice Reform

Washington State's 1997 juvenile justice reforms did not go far enough, and should be refined to include, among other things, "no free pass" for offenders under 13. (Washington Institute, January 1998, 2 pp.)

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Education

George Clowes

George Clowes is managing editor of *School Reform News*, a monthly newspaper published by The Heartland Institute.

School Choice Goes to Court

The Washington, DC-based Institute for Justice announced on April 16 that it will defend the Southeast Delaware County, Pennsylvania school choice program against a court challenge filed earlier the same day by the Pennsylvania teachers union. Pennsylvania thus becomes the sixth state—after Arizona, Maine, Ohio, Vermont, and Wisconsin—where the Institute is fighting a court battle for school choice.

Southeast Delco, Pennsylvania

The Southeast Delaware County school board's program provides reimbursements ranging from $250 to $1,000 for parents who send their children to private schools or to public schools outside the Southeast Delco district. The program allows parents to select religiously affiliated schools for their children. The board approved the program on March 18.

A 16-bus caravan of choice supporters traveled to Madison, Wisconsin for a school choice rally on the steps of the State Capitol.

School Board President Mary Carol Flemming is prepared to take the issue to the United States Supreme Court if necessary. But the limited challenge filed by the teachers union indicates that it does not want the voucher debate to reach that forum. The lawsuit raises no First Amendment claims, but simply alleges that the program exceeds the school board's authority and that it violates various state constitutional provisions related to private or religious school expenditures.

Milwaukee, Wisconsin

A legal challenge to the Milwaukee Parental Choice Program prompted a 16-bus caravan of choice supporters to travel from Milwaukee to Madison on March 4 for a large school choice rally on the steps of the Wisconsin State Capitol.

Following the rally, Institute for Justice Litigation Director Clint Bolick argued before the Wisconsin Supreme Court to defend the voucher program. Adopted in 1990 to help low-income students escape Milwaukee's failing public schools, the plan is under attack by the National Education Association, American Civil Liberties Union, and National Association for the Advancement of Colored People.

Chittendon, Vermont

Also in March, on behalf of the Chittenden Town School Board, the Institute's Senior Litigator, Dick Komer, presented the case for school choice before the state Supreme Court in Vermont. Challenging the state Department of Education's exclusion of religious schools from the state's century-old "tuitioning" program, Komer argued that rural parents have the right to use their share of state funds to send their children to religiously affiliated schools.

Many of Vermont's small towns do not have their own public high schools, but instead rely on the state's school tuition program to provide their children with access to a quality education. Rural parents freely select the public or private school—in-state or out-of-state—that best meets their children's needs, and the town then pays the tuition. The state law establishing the tuition system does not distinguish between secular and religiously affiliated schools.

Town of Raymond, Maine

On April 10, the Institute for Justice presented oral arguments in Portland, Maine, before Cumberland County Superior Court Judge Nancy Mills, challenging the exclusion of religious schools from Maine's rural school choice "tuitioning" program. State law specifically excludes religious schools from the program.

The Institute is representing five Maine families whose request for tuition to pay for their sons to attend Portland's Cheverus High School was denied by the Town of Raymond because Cheverus is a Catholic school. The families allege that the prohibition against selecting a religious school for their children violates the U.S. and Maine Constitutions' guarantees of the free exercise of religion and equal protection of the laws.

Minnesota Tax Credits

The Minnesota legislature adjourned on April 9 without diluting the state's new tax credit and expanded tax deduction for educational expenses.

The tax credit for low-income Minnesota families was signed into law by Republican Governor Arne H. Carlson last June 30. Rather than attempting to repeal the reform, opponents introduced three bills that would have eroded support for the tax credit/deduction.

Two of the bills would have imposed new state regulations on any nongovernment school that accepted students whose families claimed the tax credit or the tax deduction.

The third bill, which would have lowered the income level at which households become disqualified for the full tax credit, was defeated in the Tax Committee.

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Southeast Delco Resolution
On March 18, 1998 the Southeast Delaware County, Pennsylvania, school board approved a landmark school choice program. (6 pp.)

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Environment

Jonathan H. Adler

Jonathan H. Adler is director of environmental studies at the Competitive Enterprise Institute.

EPA Injustice for All

This spring, the Environmental Protection Agency (EPA) issued a new "Interim Guidance" for handling complaints by environmental activists that environmental regulations insufficiently protect poor and minority communities. Under EPA's new policy, companies seeking environmental permits now must demonstrate that the permit will not produce a "disparate impact" on a local minority community.

According to EPA, "merely demonstrating that the permit complies with applicable environmental regulations" is insufficient under the new policy. A permit applicant must also demonstrate that its facility, in conjunction with other facilities that are already in the area, does not impose a disparate impact on a local minority population and that there is no "less discriminatory" alternative. If a state agency issues or renews a permit that, in EPA's judgment, will cause or contribute to disparate environmental impact in minority communities, EPA is threatening to revoke the permit and impose sanctions on the permitting agency.

EPA's new policy has state environmental officials up in arms. In March, the Environmental Council of the States (ECOS) passed a resolution calling on EPA to withdraw the guidance altogether.

ECOS labeled the guidance unworkable and charged that it would impose substantial new burdens on state agencies and obstruct the operation of environmental permitting programs. It would encourage EPA and activist groups to second-guess the issuance of permits to private companies that need environmental permits to operate. "If a company can't get a permit from my agency in a reasonable time frame, it can't stay competitive in a global situation," commented Russell Harding, director of the Michigan Department of Environmental Quality, to *Investor's Business Daily*.

EPA is concerned that racial discrimination has resulted in the disproportionate siting of industrial facilities and environmental hazards in low-income and minority communities. While there is no doubt that racism exists, "environmental racism" is not responsible for the prevalence of industrial facilities in lower-income communities.

Studies that have examined historical land-use patterns and neighborhood composition at the time the facilities were sited have found little, if any, evidence that siting and permitting decisions are responsible for the existence of industrial facilities in low-income and minority communities. Rather, the prevalence of industrial facilities has tended to drive down property values, encouraging to leave those who can afford to move to more desirable neighborhoods and inducing an influx of low-income residents.

"The coincidence of environmental hazards in minority communities is a matter of economics. Property values and shifts in desirable business properties are the main reasons," testified Harry Alford of the National Black Chamber of Commerce to the Senate Environment and Public Works Committee in April 1997.

If one is looking for environmental racism, one can probably find it in the agendas of establishment environmental organizations, which historically have had little concern for the harms their policies inflict on poor communities.

Environmental activists, for example, filed complaints with the EPA to stop construction of a $700 million plastics plant in St. James Parish, Louisiana—claiming it would contribute to a "disparate impact." The facility was supported by a majority of parish residents and would have been a source of jobs, tax revenue, and funding for local schools and medical services. Environmental opposition to the facility, and others like it, does more harm than good to poor communities.

> *Diminishing the wealth of a regional economy through unnecessary environmental regulation can increase mortality.*

Study after study indicates that wealthier populations are healthier populations. The more money in a community, the more resources can be devoted to health care, nutrition, education, and safety. Diminishing the wealth of a regional economy through unnecessary environmental regulation can have the perverse effect of actually increasing mortality. Studies have demonstrated conclusively that higher unemployment and lower levels of economic growth correlate with increased mortality and ill health.

Discouraging economic development by imposing a vague and arbitrary "disparate impact" standard on state-level permitting decisions is likely do more harm than good. Stopping industrial development in the name of "environmental justice" will do nothing to alleviate poor environmental conditions or public health problems in low-income and minority communities. However, by erecting the greatest barriers to economic development in those communities with disproportionate minority populations, "environmental justice" has a disparate impact on the people it purports to help.

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The Uncertain Future of Environmental Justice

It is far from clear that environmental risks are the most serious health risks that minority communities face. (*The Brookings Review*, The Brookings Institution, Spring 1996, 4 pp.)

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Health Care

Twila Brase, RN, PHN

Public health nurse Twila Brase is president of Citizens for Choice in Health Care.

Big Brother Is on the March

The 1996 Health Insurance Portability and Accountability Act (HIPAA) required Health and Human Services Secretary Donna Shalala to make recommendations for protecting medical privacy. She has not done that. Instead, she contends that "Individuals' claims to privacy must be balanced by their public responsibility to contribute to the common good, through use of their information for important, socially useful purposes. . . ."

Shalala has recommended giving state and federal agencies full access to medical, psychological, and behavioral data, without patient consent, for four "national priorities":

- oversight of the health care system;
- public health and in emergencies affecting life or safety;
- health research; and
- pursuant to other laws or court orders, such as to law enforcement authorities, state health data systems, and in court proceedings.

> *Immunization registries can become the cornerstones for far more comprehensive government patient databases.*

Unless Congress adopts other privacy proposals by August 1999, Shalala's recommendations become law in February 2000.

Yet Another "Official Number"?

HIPAA also mandated creation of a unique patient identifier (UPI) for every citizen, to track medical information. The law heavily favors development of an electronic medical records system for rapid transmission of the data. In essence, the aim is to create state and federal health care databanks.

The National Committee on Vital Health Statistics (www.aspe.os.dhhs.gov/ncvhs/) is considering what other information should be collected and maintained each year under your UPI. They're interested, for example, in collecting information about your living arrangements, years of schooling, occupation, total billed charges, etc.

Immunization Registries

In 1997, Citizens for Choice in Health Care (CCHC) defeated a Minnesota proposal to establish a state immunization registry—simply by drafting an amendment that would have required parent and patient consent. Similarly, CCHC defeated the birth defects database proposed by the March of Dimes.

Unfortunately, creation of *county* immunization registries continues unabated. Using birth certificate information, public officials have entered thousands of Minnesota children onto registries without the knowledge or consent of most parents.

At the national level, President Clinton recently introduced an immunization registry initiative, and the Robert Wood Johnson Foundation is issuing $300,000 grants to fund immunization registries nationwide.

Immunization registries appear fairly innocent, but a camel's nose is a camel's nose. According to the Summer 1997 issue of *Immunization News*, published by the Pennsylvania Forum for Health Care, some registry advocates hope that "immunization registries can contribute toward what could ultimately be more comprehensive clinical and preventive databases."

In other words, immunization registries can become the cornerstones for far more comprehensive government patient databases. Today, immunizations. Tomorrow, diagnoses. Next year, mental illness. This health care surveillance system will effectively erode medical privacy for all children and families.

Is Fingerprinting Next?

Minnesota citizens may soon be guinea pigs for yet another privacy invasion experiment. A new law authorizes a study to fingerprint all citizens—for law enforcement purposes. Proponents of the law are excited about the possibility that fingerprinting requirements on driver's licenses would allow retailers to check the fingerprints of suspect customers and "know in three minutes" if they are who they say they are. (Imagine the embarrassment experienced at grocery stores by citizens waiting to be "verified.")

The original language of the bill clearly shows the future plans for identification by biometrics. These include "tobacco, liquor, and lottery sales enforcement; health care; voter registration; and school access and other situations where accurate personal identification is essential."

Although the study mandates that privacy issues be addressed, most legislators have unfortunately bought into the false sense of security and convenience such identification purports to offer. Having authorized the study, state legislators will be hard-pressed to address any privacy concerns that surface.

Expect to see in the near future a strong legislative push for a statewide identification system based on biometrics (not only fingerprints, but also eye scans and voice recognition) and genetics (DNA). If that happens, it will be quite clear that government officials have abandoned the citizen's primary protection of presumed innocence.

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Testimony to the Subcommittee on Privacy and Confidentiality
Confidentiality of medical records should take precedence over the research needs of public health administrators. (Association of American Physicians and Surgeons, February 1997, 2 pp.)

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Law

Clint Bolick

Clint Bolick is litigation director at the Institute for Justice in Washington, D.C.

Affirmative Action: An Optimist's Challenge

The sharp drop-off in black and Hispanic enrollment at the most elite California public universities following that state's curtailment of racial preferences has evoked widespread anxiety, and appropriately so. Yet it is not so much a crisis as a long-overdue wake-up call, one that ultimately will inure to the benefit of the very people seen mostly at risk.

So confident in this prognosis am I that I make the following pledge: I will abandon my opposition to racial preferences—a position I have advanced throughout my 15-year public career—if, five to ten years after its vote to end preferences, California does not produce more black and Hispanic college graduates per capita than states that retain preferential admissions. Indeed, we may well see positive results well before then.

That is because the data force us to reassess why certain minority groups are not doing well in a color-blind admissions process. Given the steadfast commitment to racial preferences among university officials, it is ludicrous to suggest that the drop-off in black and Hispanic admissions to the top campuses of the University of California is attributable to discrimination.

Rather, those figures represent a blistering indictment of our nation's K-12 public education system—a problem that for too long has been swept under the carpet of racial preferences. The real crisis is that black and Hispanic students are not graduating from high schools with sufficient credentials to occupy a proportional share of slots in the top colleges and universities. As Stephan and Abigail Thernstrom revealed in their recent book, *America in Black and White*, black high school graduates lag an average of four years behind their white counterparts in reading and mathematics. That gap is exacerbated by a minority dropout rate that in some large cities exceeds 50 percent.

Preferences only delay the day of reckoning, providing a superficial fix that fails to address the underlying educational inequalities. Indeed, they compound the problem by leapfrogging minority students into schools for which they lack adequate credentials, helping produce a college dropout rate twice as high for blacks as for whites. That makes a fraud of "affirmative action": what good does it do to drop out of UC-Berkeley if you can graduate from UC-Davis?

Although black and Hispanic enrollment rates have decreased in the top California schools, they have increased in other schools. What is happening is a closer match between students' credentials and the schools they attend, which should lead to improved graduation rates—hence, increased numbers of black and Hispanic college graduates.

Does that mean we should accept the reduction in minority numbers at the top schools? Absolutely not. But instead of treating symptoms by adding points to minority test scores, we should address the real underlying problems. At last that is happening in earnest—but only because college administrators no longer have the tool of racial preferences at their disposal.

Berkeley, for instance, has begun intervening at the K-12 level, seeking to increase the number of qualified minority high school graduates. Under Governor Pete Wilson's leadership, California has embarked on systemic public education reform, including smaller class sizes and innovative charter schools.

Some of the most strident defenders of racial preferences, such as the Clinton Administration and the National Association for the Advancement of Colored People, oppose the most systemic K-12 education reforms, such as school choice. As when the civil rights movement faced a similar crossroads in the context of school desegregation in the 1970s, today's liberals tend to favor cosmetic racial balance—euphemistically, "diversity"—over true expansion of educational opportunities.

Preferences only delay the day of reckoning, providing a superficial fix that fails to address the underlying educational inequalities.

Abolishing racial preferences casts a different lot: It recognizes there are no shortcuts to equality. We must make good on the promise of equal educational opportunities for all children, and target assistance to those who are denied such opportunities rather than resorting to the crude and inadequate proxy of race.

I am optimistic that such efforts will succeed far better than preferences. If events prove me wrong after a reasonable time, I will confess that America's moral commitment under law has failed to yield truly equal opportunity.

Will the defenders of the status quo back their positions with a pledge similar to mine? I hope so but suspect not. For in the end, they will be forced to acknowledge that the placebo of racial preferences was never part of the solution, but in fact part of the problem.

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An Interview with Ward Connerly

Americans must now make a choice between a "race matters" philosophy and one that says, as JFK did, "Race has no place in American life or law." (*Reason*, February 1998, Reason Foundation, 7 pp.)

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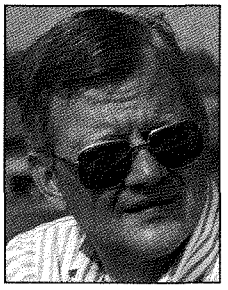

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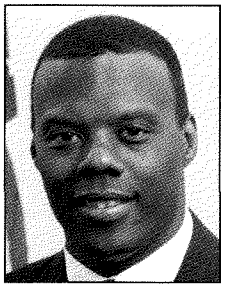

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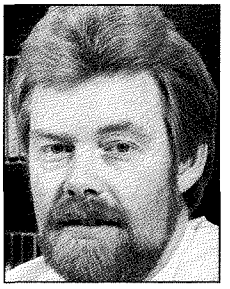

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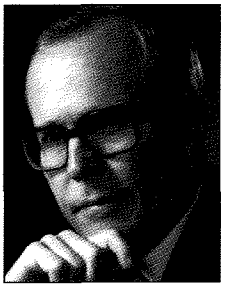

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Privatization

Adrian Moore & Wade Hudson

Adrian Moore is director of economic studies, and Wade Hudson is a policy analyst, for the Reason Public Policy Institute.

Innovative Environmental Compliance

It has become increasingly complex and costly for state government agencies to implement ever-more-stringent measures designed to protect our environment. Many states have found innovation and flexibility crucial to successful compliance programs . . . and they have found the private sector to be a pivotal partner in those efforts.

Reclaiming Lost Land

The redevelopment of "brownfields" (plots of contaminated land that require cleanup before they can be used) is one of the most challenging problems for state environmental agencies. Often, there are many more brownfields to be dealt with than an agency can hope to turn around with its own resources.

In Massachusetts, the state Department of Environmental Protection (DEP) is charged with cleaning contaminated sites. In 1986 the state's voters overwhelmingly approved an initiative that bound DEP to specific deadlines and quotas for finding, assessing, and cleaning hazardous-waste sites. The agency lacked the funding to take on such a task.

By 1990 less than one-fourth of the 4,200 Massachusetts hazardous-waste sites were under active cleanup. There were no clear, risk-based cleanup standards, and the regulated community complained about the state's "command-and-control" approach to cleanup at priority sites and its total lack of oversight or guidance at non-priority sites. DEP formed a public-private study committee to redesign the program.

The resulting Massachusetts Contingency Plan (MCP) expanded the private sector's role for most sites. The new MCP clarified cleanup standards and introduced the concept of licensed site professionals (LSPs). LSPs are environmental experts, licensed by an independent Board of Registration, who can be hired by owners of some contaminated sites to oversee cleanup. Under the new system, most contaminated sites passed from direct agency supervision to LSP supervision.

As of August 1997, 477 LSPs had been licensed. It is too early to pass judgment on the LSP program: a study to be conducted by the state will determine whether the quality of LSP cleanup matches the expected quality of DEP cleanup. But DEP sources do not believe LSP cleanup to be substandard: 85 percent of audited sites had acceptable cleanups or easily correctable problems.

Cleaning the Air

Under traditional "command-and-control" approaches to environmental protection, companies are required to adopt specific pollution control technologies or reduce their emissions by set amounts. That approach does not take costs into account: It imposes similar requirements on polluters with differing costs.

Under an emission allowance trading system, pollution sources are granted "emission allowances" and are allowed to comply with emission reduction requirements by reducing their own emissions or by buying emission allowances from other sources. Sources with low pollution control costs will tend to reduce their emissions more than they would under a command-and-control scheme, and then sell their excess emission allowances to sources with high control costs.

The U.S. Environmental Protection Agency allows electric utilities, a major source of sulfur dioxide (SO_2), to trade allowances with other utilities. Moreover, the 1990 Clean Air Act Amendments allowed "economic incentives such as fees, marketable permits, and auctions of emission rights" for reaching and maintaining National Ambient Air Quality Standards for other pollutants.

A recent study by the General Accounting Office found that the acid rain emissions trading program has reduced compliance costs and resulted in greater-than-planned emission reductions. Emission levels at participating electric utilities in 1996 were 35 percent below the emissions cap for that year.

> *Many states have found innovation and flexibility crucial to successful compliance . . . and they have found the private sector to be a pivotal partner.*

A similar "cap-and-trade" program has been implemented in southern California; since 1983, the South Coast Air Quality Management District (AQMD) has administered the Regional Clean Air Incentives Market, where allowances to generate nitrogen oxides (NO_x) and sulfur oxides (SO_x) are traded among participating businesses. AQMD officials originally estimated that the trading program would save almost $60 million annually. They will complete their evaluation of the program in 1998.

The Ozone Transport Commission's NO_x program will allow similar trading in 12 Northeastern and Mid-Atlantic states and the District of Columbia in 1999. The Ozone Transport Assessment Group is currently studying similar strategies to reduce NO_x emissions in the East and Midwest.

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Pollution Trading in La La Land
Economist Jim Johnston offers a substantial criticism of claims that emissions trading programs can function as well as private markets. (*Regulation* No. 3, 1994, Cato Institute, 11 pp.)

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Regulation

Murray Weidenbaum

Murray Weidenbaum is chairman of the Center for the Study of American Business.

Modernizing Government Regulation

In its new report, *Modernizing Government Regulation: The Need for Action*, the Committee for Economic Development (a blue ribbon group of business and other private sector leaders) has plowed new ground in the effort to reduce the burden of government regulation.

Most previous studies of regulatory reform have focused on getting the Executive Branch to write better regulations. By contrast, the CED report emphasizes the need to revise the basic laws governing regulation. Those statutes are the true birth stage of regulation. The time of their enactment provides the key point of control over the entire regulatory process.

In view of the massive burdens of compliance, the CED concludes that the current regulatory system produces too few benefits at excessive cost. It further finds that a more efficient regulatory system could be more effective and less costly.

> *Raising the level of information provides a middle ground between those who wish to expand regulation uncritically and those who want to eliminate it entirely.*

The report notes that defects in basic regulatory laws are the major shortcoming in the regulation system. Many statutes limit or prevent the regulatory agencies from even considering costs as they issue new regulations. Other laws do not allow the agencies to use economic analysis to evaluate regulatory benefits and burdens. Congress itself, in the crucial stage of writing regulatory statutes, does not use the modest degree of professional analysis that the agencies now routinely have available.

The CED report urges each congressional committee writing a regulatory statute to state the benefits expected from the regulations that will be issued and the costs associated with that effort before they report out a new regulatory statute. That sounds so basic we must wonder why it has not been done.

Of course, in order to carry this out, Congress will need a new flow of information. That is why the report urges Congress to set up a new nonpartisan regulatory analysis function. Such an office would provide committees and individual members with reliable data, including estimates of benefits and costs. In order to make good use of such information, Congress would have to eliminate provisions of existing laws that prevent or limit regulatory agencies from considering costs or comparing expected benefits with costs when designing regulations.

The CED also recommends that Congress incorporate into law the requirement for Executive Branch review of proposed regulations, along the lines of the executive orders promulgated by President Reagan and his successors. The real deficiency, CED notes, is not in the different wording of the orders, but in the fact that none of them has the "teeth" that would be contained in a statute covering all regulatory activities in the Executive Branch. A related proposal would require a detailed accounting of the costs imposed by the regulatory agencies. That information could form the basis for a regulatory budget.

This private sector report does not advocate wholesale elimination of public sector agencies, especially in the environment and other areas of social regulation. Rather, the idea is to improve the way these government units conduct the public's business. It is expected that raising the level of information provides a middle ground between those who wish to expand regulation uncritically and those who want to eliminate it entirely.

To support its recommendations, the CED developed four basic principles to guide regulatory reform.

- First, regulation is only warranted when markets do not work as well as regulation.
- Second, Congress and regulatory agencies should articulate the costs and benefits of proposed regulations.
- Third, the power of market incentives, instead of command-and-control directives, should be enlisted in the pursuit of regulatory goals.
- Finally, delegations of authority by Congress should contain specific controls to ensure that regulatory agencies do not act capriciously.

In a fundamental way, examining the advantages and disadvantages of government actions promotes the notion of checks and balances so basic to our constitutional system. Although both government and business bring important influences to bear on the public policy process, the contrast between government and business power is striking. The largest company cannot raise taxes or put a person in jail; the smallest unit of government can.

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Alliance USA Endorses Regulatory Improvement Act

Alliance USA, a coalition of nearly 1,000 small and large businesses, trade associations, and agricultural groups, has endorsed the Regulatory Improvement Act of 1998 (News release, 1998, 16 pp.)

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Taxes

Stephen Gold

Stephen Gold is associate director and director of communications of the Tax Foundation.

Total Tax Collections Climb to $2.667 Trillion

Total tax collections in the U.S. are expected to reach $2.667 trillion in 1998, according to a new analysis by the Tax Foundation. That represents a 5.7 percent increase over 1997 total tax collections.

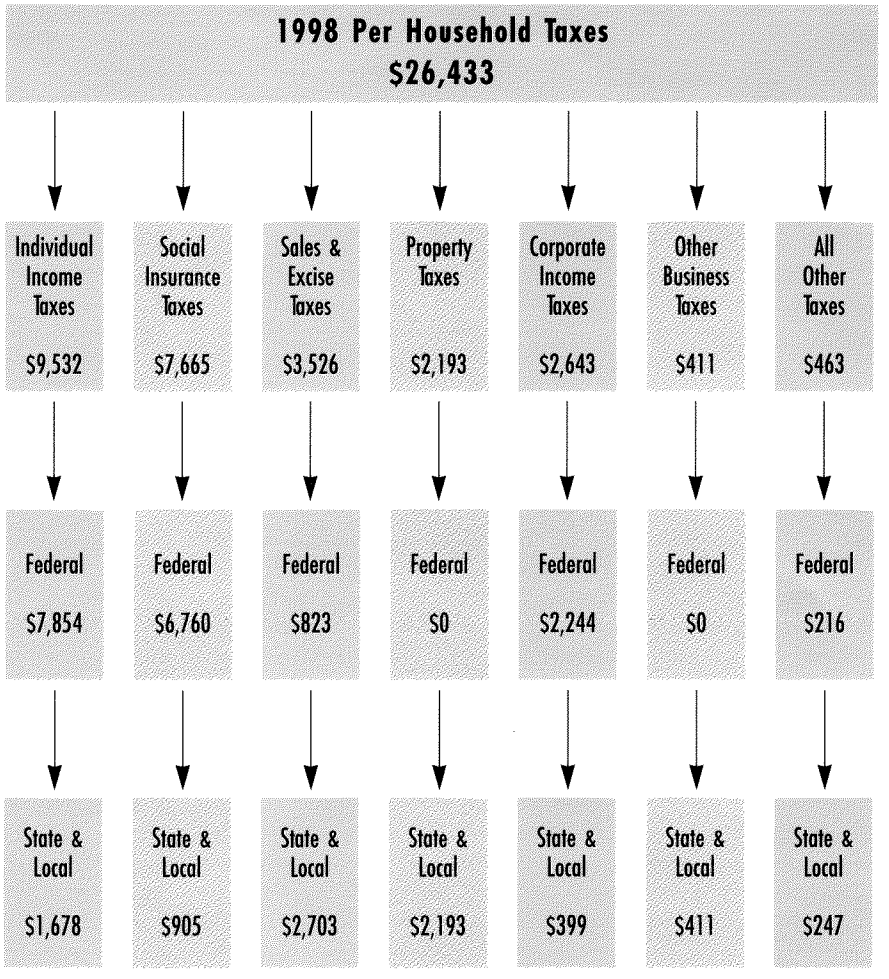
Federal, state, and local governments will collect an average of $26,433 in taxes from every household in the country. According to Tax Foundation economist Patrick Fleenor, the federal government will collect 67.7 percent of the total, or $17,897. State and local governments will collect another $8,536.

The accompanying flow chart illustrates that these funds are obtained from a variety of sources. The two levies extracted directly from Americans' paychecks—individual income taxes and social insurance taxes—are the largest sources of revenue. In 1998, individual income taxes will represent 36.1 percent of all tax receipts, or $9,532 per household—over three-fourths of which goes to the federal government. Social insurance taxes, which fund programs such as Social Security and Medicare, will provide government coffers with 29.0 percent of total tax revenue, or $7,665 per household.

Sales and excise taxes will account for an additional 13.3 percent of tax revenue, or $3,526 per household—three-fourths of which come from state and local levies. Property and other business taxes, generated exclusively at the state and local levels, will account for 9.9 percent of total tax receipts, or $2,193 per household.

Corporate income taxes will account for 10.0 percent of total tax collections, or $2,643 per household. (Because economists can never be certain whether businesses pass their taxes on to consumers in the form of higher prices, shareholders in the form of lower stock values, or workers in the form of lower wages, the Tax Foundation assumes an across-the-board effect. Thus, business taxes are treated as if ultimately borne by all individuals.)

All other miscellaneous levies will cost households $463 in 1998.



Source: Tax Foundation, May 1998

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Scrapping the Code

Congressman Dick Armey describes and defends his proposal for a flat-rate income tax; his colleague, Billy Tauzin, explains why he's advocating a national retail sales tax. (Citizens for a Sound Economy, December 1997, 17 pp.)

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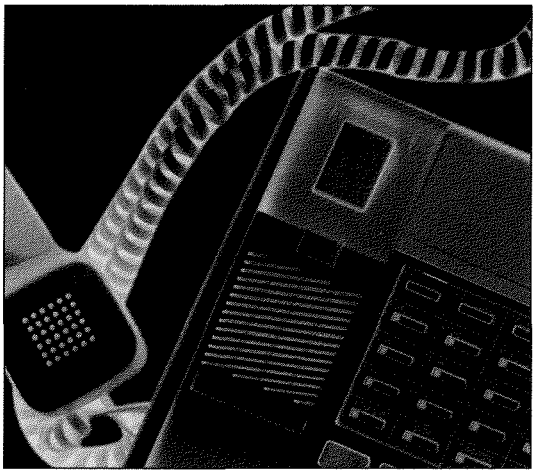

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Welfare

Robert Rector

Robert Rector is a welfare expert at The Heritage Foundation.

Illegitimacy Epidemic Continues

Recently, *The Wall Street Journal* and other representatives of the press ballyhooed statistics on the declining rate of births to teenage girls. Has an important battle against welfare dependency been won?

It is important not to confuse teenage child bearing with illegitimacy. In reality, births to unmarried teenagers form only a small fraction of the overall problem of illegitimacy.

Only about 10 percent of all illegitimate births are to girls under 18. The bulk of out-of-wedlock mothers are young adult women aged 19 to 24. Sadly, the Clinton administration and the media trumpet improvements in the relatively small problem of teen pregnancy, while maintaining studious silence on the far larger and more threatening problem of illegitimacy.

The collapse of marriage and the rise of illegitimacy together represent the nation's number one social problem. When the War on Poverty began in the mid-1960s, about 8 percent of American children were born out of wedlock. Today, the number has risen fourfold, to 32 percent.

Illegitimacy is the major underlying cause of welfare dependence. Children born outside wedlock to mothers who do not subsequently marry typically receive benefits from the Aid to Families with Dependent Children (AFDC) program for at least half of their childhood. Dependence on AFDC is 1700 percent more frequent among illegitimate children of never-married mothers than among legitimate children raised by intact married couples.

Illegitimacy is also the root cause of child poverty. Children born out of wedlock to mothers who do not subsequently marry can expect to live in poverty for half their childhood. By contrast, children born within marriage and raised by intact husband-and-wife couples will be poor only 7 percent of the time.

Crime is also tightly linked to illegitimacy and broken homes. Boys raised in broken homes are six times more likely to engage in criminal activities and end up in jail than those raised in intact homes by their fathers and mothers.

The recently passed federal welfare reform act recognized that out-of-wedlock child bearing and broken families are the root cause of most of our nation's social problems. The act made reducing illegitimacy a paramount national goal, and called on governors to take aggressive steps to reduce illegitimacy and restore marriage. The epidemic of illegitimacy remains an immense and threatening problem awaiting a leader with real political courage. To date, no one has stepped up to the plate.

1995 Percentage of Births Out-of-Wedlock

	White (Non-Hispanic)	Black (Non-Hispanic)	Hispanic	Total		White (Non-Hispanic)	Black (Non-Hispanic)	Hispanic	Total
Alabama	16.5	70.8	20.0	34.5	Nebraska	19.0	73.9	40.8	24.3
Alaska	20.9	40.9	30.4	29.9	Nevada	32.8	75.0	52.9	42.0
Arizona	25.8	63.6	50.5	38.2	New Hampshire	21.6	40.0	40.8	22.2
Arkansas	21.0	74.0	31.3	32.9	New Jersey	12.8	66.7	48.1	27.6
California	22.9	61.8	42.7	32.1	New Mexico	23.5	58.8	49.6	42.6
Colorado	17.9	53.5	42.3	24.9	New York	19.1	69.7	61.3	37.9
Connecticut	18.1	69.6	50.6	30.6	North Carolina	17.2	66.9	30.8	31.4
Delaware	22.1	71.7	64.1	34.9	North Dakota	19.3	30.9	28.5	23.5
Florida	24.5	68.8	34.2	35.8	Ohio	25.0	76.9	48.9	33.0
Georgia	18.1	67.5	23.4	35.2	Oklahoma	23.8	69.2	32.8	30.5
Hawaii	15.2	21.3	44.5	29.2	Oregon	27.0	70.6	34.8	28.9
Idaho	18.6	40.8	26.0	19.9	Pennsylvania	23.1	78.4	61.9	32.4
Illinois	18.5	78.6	38.9	33.8	Rhode Island	22.8	68.7	58.7	31.1
Indiana	26.3	76.9	40.9	31.9	South Carolina	19.8	68.4	24.9	37.4
Iowa	23.2	72.9	37.9	25.2	South Dakota	19.8	28.9	37.7	28.0
Kansas	20.9	67.0	38.3	25.9	Tennessee	21.6	73.5	26.8	33.1
Kentucky	24.1	72.3	26.0	28.5	Texas	18.7	63.1	32.1	30.0
Louisiana	21.6	72.4	29.4	42.4	Utah	12.9	54.1	36.2	15.7
Maine	27.2	48.5	28.8	27.8	Vermont	24.4	51.5	0.00	24.9
Maryland	18.7	63.9	38.8	33.3	Virginia	18.0	63.9	37.4	29.3
Massachusetts	18.0	60.5	60.7	25.6	Washington	23.5	55.2	35.9	26.7
Michigan	22.9	77.8	41.8	34.3	West Virginia	28.9	75.3	27.1	30.5
Minnesota	20.3	70.1	47.2	23.9	Wisconsin	19.9	82.9	46.7	27.4
Mississippi	18.7	75.4	29.75	45.3	Wyoming	23.4	46.4	44.7	26.4
Missouri	23.8	78.0	33.0	32.1					
Montana	21.3	39.4	35.7	26.5	**U.S. Average**	**21.2**	**70.0**	**42.1**	**32.2**

Source: The Heritage Foundation, 1998

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Make Welfare Unappealing

Most of welfare reform's success to date can be attributed to tough rhetoric, rather than real reform. (*The American Enterprise*, January/February 1998, American Enterprise Institute, 2 pp.)

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Welfare and Charity: Yes, There Is a Difference

by Jim Johnston

Trying to improve the plight of poor people is very complicated. To do it correctly requires detailed knowledge of the cause of the low income for each individual that is to be helped. There are many potential causes: ill health, lack of education, drug addiction, divorce, and crime are but a few. After the reason for poverty is known, a solution can be shaped. But that is also complicated.

There are probably more solutions than causes for poverty. The reason is that many "solutions" are not well considered, and sometimes they actually worsen the condition of the poor. Clearly, effective help for the poor takes more than just good intentions.

Wealth and poverty have been important topics in economics for more than 200 years since Adam Smith, a professor of moral philosophy, published *The Wealth of Nations* in 1776. One of the most important contributions made recently to the literature is by Jennifer Roback Morse, a fellow economist who is a person of deep religious conviction.

There are probably more solutions than causes for poverty. Many "solutions" are not well considered, and sometimes they actually worsen the condition of the poor.

Morse has compared government welfare and private charity in a way that helps us understand the issue in a new light. She points out that private charity operates to treat particular causes of poverty. The help is tailored to the individual person. By contrast, government welfare does not, and should not, discriminate among recipients. The discretion of social workers must be circumscribed in order to reduce corruption in the system.

But avoiding that problem of corruption among social workers itself causes problems, oftentimes corruption of a different sort among recipients. When rules of welfare eligibility are laid down, and become known to potential recipients, an incentive is created to alter their behavior. Some will consciously change their behavior in order to qualify for the welfare. Others, simply acting randomly, will get rewarded for bad behavior and penalized for good behavior. The result will be the same: more births outside of marriage, more drug addition, more alcoholism, more school dropouts, more crime, and a host of other social problems. Rather than giving relief, government welfare adds to the misery of the poor.

But that is only half of the problem with government welfare. Jennifer Roback Morse points out that the system tends to corrupt potential donors to charity as well. It gives those able to finance real solutions to poverty an excuse, "I gave to the tax collector." People latch on to the political rhetoric that the problems of poverty are being adequately handled by government. Knowing that they are already being taxed to support those programs, they choose to give less to private charity. In the process, they lose the direct contact with the deserving poor and with it the redemptive quality which charity has for the donor.

The distortions of government welfare do not end there. Since charitable groups feel the double squeeze of increased numbers of applicants and reductions in private donations, these agencies turn increasingly to government for financial support. They become, in essence, government contractors, maintaining constituencies for the political establishment.

There is some good news in the midst of all of these problems. Besides private charity, individual businesses are doing a lot to serve the demands of the poor. They invest in low-income neighborhoods, hire employees from the communities, and save the consumers long and dangerous trips on public transportation to buy the goods and services they require. While the entrepreneurs who make such contributions do so for a profit, their customers also benefit, otherwise the voluntary exchange would not take place. The surest way to eliminate a valuable service is to deny the seller any benefit from his or her efforts.

In my experience entrepreneurs do not command a lot of respect among the welfare establishment, including the clergy. That is unfortunate because these private-sector risk-takers are often making a greater and more lasting contribution to the poor than the clergy and the politicians who denigrate them.

Note that there are no villains in this story. Individual actors simply respond to the incentives that they face. They get rewarded for worsening their predicament and get punished for trying to improve it. Even the welfare establishment is well intentioned. They try to provide some relief, albeit temporary, from the suffering. But the rules under which they operate stand in the way of providing the kind of support that they would give, for example, to a member of their own family or to a member of their church.

I believe it would be a tragedy if the welfare system in the United States was to become more pervasive like that in other countries, where the suffering on the part of the poor is much worse.

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Jim Johnston is an economist and member of the Board of Directors of The Heartland Institute.

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Negative Campaigning: Advice for Attacker and Attackee

by William S. Bike

William S. Bike, vice president of Chicago-based ANB Communications, is an award-winning journalist and public relations professional. The following excerpt is from his book Winning Political Campaigns: A Comprehensive Guide to Electoral Success, *published in May 1998. Recommended by such successful politicians as Fran Ulmer, Lieutenant Governor of Alaska, and former Senator Paul Simon (D-IL), the 240-page book is available from The Denali Press, P.O. Box 021535, Juneau, AK 99802-1535; phone 907/586-6014; fax 907/463-6780; email denalipr@alaska.net; Web www.alaska.net/~denalipr.* ***Mention The Heartland Institute and this excerpt in Intellectual Ammunition and receive a special discounted price: just $24.30 plus $3 shipping/handling.***

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"Going negative" is not a step to be taken lightly, although today more campaigns go negative more quickly than ever before.

Janice M. King, president of Janice King Communications, when discussing negative advertising in general, said that negative messages about competitors create FUD: fear, uncertainty, and doubt. You must consider seriously the implications of your candidate causing FUD and its resulting stresses on the political system.

> *Set the bomb off early. The closer to election day a negative attack is made, the less credibility it has.*

Going Negative: Why and How

Campaigns & Elections reported that Cathy Allen, president of Campaign Connection of Seattle, indicated that going negative might be the proper course when taking on an incumbent; when the opponent is outspending the candidate by large margins; when there is irrefutable information that the opponent has done something wrong; and when the candidate has little name recognition.

For better or worse, negative campaigning works. According to Dean Michael Mezey of DePaul University,

> *. . . what negative advertising does is get your supporters committed and excited. Those who are indifferent are so turned off that they are less likely to vote, as are people who are for the other candidate—so not only does it help you, but it depresses turnout. The ideal, rational goal is to turn out your most committed supporters and make sure nobody else turns out.*

If you are making an outrageous charge against an opponent, document it. Illinois U.S. Senate candidate Al Salvi in 1996 insulted Jim Brady, President Reagan's former press secretary, a gunshot victim, and a national hero, by calling him a former machine-gun dealer. The charge had not been verified and was completely unsubstantiated. Coming in the last weekend of the campaign, the gaffe was one from which Salvi could not recover.

Double-check everything. In a 1992 California State Assembly race, a campaign released to the media information that its opponent was a pornographer—but the pornographer was actually a different man with the same name. Oops! In 1996, a Quebec legislator, claiming vote fraud, gave an example of allegedly fraudulent names registered in his district: "Omar Sharif" living with "Martina Navratilova." Oops again. Turns out that Sharif is the son of the actor, and his wife is a stockbroker whose name really is Martina Navratilova.

If you discover something damaging about your opponent, do not send it to the media anonymously. You can come right out and make charges, or you can request that the media print or broadcast the information without attribution to you or the campaign. The media generally will honor that request. If they receive it from an unknown source, however, they will either figure it is a trap or have no way to follow-up and learn more, so their only alternative is to ignore it.

Likewise, if your campaign receives unsolicited material about an opponent, it could be a set-up. Do not use it without independent verification.

You will have to do most of the research to convince the media to bite. "If you get 70 percent of the work done, that's about enough for reporters to follow it up," one Republican opposition researcher told *U.S. News & World Report*. "If you give them 30 percent, most won't do the story."

If the Media Won't Bite

If the media will not cover the negative information on their own and the campaign has to promote it, the candidate generally has to be the one responsible for releasing the negative information, rather than a member of the campaign team. If the campaign is going to launch an attack, the candidate cannot expect to take refuge behind a staff member when the inevitable return-shelling commences.

If you are campaigning negatively via mailed or distributed campaign literature, however, the candidate should be kept out of the piece, with nothing more than a "Paid for by Citizens for Joe Goodguy" disclaimer. You do not want Joe Goodguy's picture on the piece so that the voters will think the negative information is about *him* instead of his opponent.

Do not bombard the public with reams of negative information; instead focus on potential hot buttons that are easy for voters to understand. The governor's mansion's food budget was always an issue when James Thompson was Illinois' chief executive in the 1970s and 1980s. People understood that what the state was spending on the governor's

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groceries was far out of whack compared to what they were spending at the supermarket.

Set the stage. Start making noises that the opponent is a big spender or a hypocrite before dropping the big bomb. Set that bomb off early. The closer to election day a negative attack is made, the less credibility it has.

Humor can be an effective form of negative campaigning. Although he did not win, Illinois Lieutenant Governor Bob Kustra gained some points in his 1996 U.S. Senate primary against State Senator Al Salvi by depicting Salvi, a personal-injury attorney, in humorous commercials showing a lawyer literally chasing an ambulance.

Avoid Being Too Negative

Do not make the attack too mean. In the 1993 Canadian national election, conservatives attacked the physical handicaps of the liberals' candidate for prime minister. Not only did the liberal win, but voters were so appalled at the conservatives' behavior that only two Tories were elected to Parliament from the whole country (the conservatives had previously held 154 seats)—effectively wiping out the entire party for one election cycle.

When the candidate is running against a member of another religion, he or she can attack the opponent's political positions on the issues, but not her or her religiosity. The candidate also must not act as if he or she is religiously superior to the opponent. These tactics have always backfired, whether the opponent was John Kennedy or a member of the Christian right.

Negative campaigning can backfire in many other ways. It turns off voters and causes opponents to respond in kind. It can cause voters to wonder if your candidate has some of the same negatives his or her opponent does and can create a negative campaign opening for your candidate's opponent.

Whatever your initial strategy is to counter the attack, stick with it. Once the campaign has responded, move on.

What If You're the Attackee?

The following are a few traditional strategies for dealing with a negative attack:

- *Admit it before the attack even comes.* Jerry Ford was candid about the fact that he had started dating wife Betty before her divorce from her first husband was final, and Jimmy Carter's campaign could not make an issue of it in the 1976 presidential race.
- *Attack the attack.* Criticize your opponent for negative campaigning, or respond with negative information about the opponent or the attack tactics—what lawyers call discrediting the witness. This is what the 1992 Clinton presidential campaign did with Gennifer Flowers. If possible, get a blue-ribbon source to refute the attack.
- *Turn the attack into a positive.* President Truman's Secretary of State, Dean Acheson, had once been dumped from an economic advisory post by President Roosevelt. That could have been considered a negative among FDR supporters, but Acheson's disagreement with Roosevelt had been over devaluation of the dollar, which could have been played as a positive to sound-money advocates. It is all in the spin.
- *Deflect it with humor.* In 1988, Illinois Cook County Board President George Dunne was tainted by scandal when two women he had sexual relationships with were later hired for county jobs. Supporters defended him by arguing he was a widower and therefore single; stressing the jobs were extremely low-paying and not political plums; and marveling that a man in his seventies could be involved with two women. Amazingly, this worked, as most of the media comments were jocular ones on the "wow, what a man" defense. Everyone had a good chuckle and the scandal disappeared.

The humor strategy can backfire, however. If the charge is serious and the candidate is making jokes, that can alienate and anger even more voters.

- *Deflect it with sorrow.* This is effective when the story is instinctively something that the public knows should have remained private, like the fact that the candidate's wife was pregnant when the couple married. Express your sorrow that the media or the opposition would bring up something so personal that is irrelevant to the campaign.
- *Stonewall by saying there is no story.* This *never* works. Richard Nixon's resignation as president is the ultimate proof.
- *Stonewall citing higher motives.* This seldom works because it makes the candidate look falsely pious. One situation in which it did work is when opponents accused 1990 Texas gubernatorial candidate Ann Richards of having smoked marijuana in the 1960s. She refused to answer the charges on principle, stating that for her to do so would encourage people not to give up drug or alcohol use because no matter how long they had been clean they would have to face those allegations. Believe it or not, it worked—in Texas yet. Richards not only won in 1990, but the issue did not arise during her reelection campaign in 1994.
- *Admit the indiscretion and ask for forgiveness.* Ask people to make their decision on more important issues. This is the strategy actor Hugh Grant employed to return to the public's good graces after he was caught with a prostitute. Another lesson is to know when to remain silent. Grant took it too far by appearing on almost every talk show, and the public began to tire of his apologizing.
- *Neither admit nor deny the allegation.* Instead, release reams of pertinent information, financial documents, and other related items that are so difficult for the media and the public to wade through that they will forget the whole thing.
- *Deny the charge and demand proof.* This works only if the charges actually are not true. Spiro Agnew did this and discovered that the media had rock-solid proof of his crimes.
- *Deny the charge and demand an apology.* This also does not work if the charges are true.
- *Blame the media and demand they reveal the unidentified source.* This seldom works, unless the voters in your district generally hate the media. Plus, it angers the media so that they go after your candidate with an even greater vigor. Agnew loved to blame the media and ended up resigning the vice presidency.
- *Ignore it.* If the charge is small or little-publicized, sometimes it will go away. Mayor Richard J. Daley of Chicago did this with the only allegation of financial impropriety that had ever been made against him: a charge in the 1970s that he and his wife had secretly established a real estate firm that did business with the city. The firm was small, the business was petty, nobody cared, he ignored the criticism, and the charges disappeared.

Whatever your initial strategy is to counter the attack, stick with it. If the campaign fumbles around changing from strategy to strategy, that in itself becomes a story in the media.

Once the campaign has responded, move on. It is tough for talky candidates to be quiet about the subject, but if they are, coverage of the scandal usually diminishes.

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In Battle of Noses, Hog Farms Lose Too Often

by David Juday

When asked how they endure the odors associated with their work, hog farmers once had a standard answer: "Because it smells like money." Today, however, livestock odor problems—real and imagined—are giving a whiff of bankruptcy to many American farmers, and that's not good news for rural communities and Midwest states that depend upon a strong agricultural economy.

Concerns about hog smells have idled hog operations from North Carolina to Colorado, though this isn't a problem unique to the American heartland. Even in the Netherlands, hog farmers are going out of business due to protests from suburban neighbors.

Ironically, in this war of the noses, the casualties are frequently newer facilities that would control odors more effectively than the older facilities they would replace.

While the odor of hog manure hasn't changed since the days when many of our great-grandparents owned hogs of their own, the ways of handling it have. New technology is being developed all the time to mitigate porcine pungency. Even the fussiest neighbors would be quite surprised at the advances.

Today, manure spreaders for farm fields can inject the manure into the soil and scrape a thin cover over it. The valuable nitrogen stays in the ground to encourage plant growth, instead of venting into the air. An hour after the application, a person walking in the field smells only the newly turned earth.

Engineering can build earth dams and multi-stage lagoons that help control odor. So much so, in fact, that a Georgia farmer recently built a new house and swimming pool just 200 yards from his hogs. And there is no odor!

The new lagoons can also incorporate such industrial crops as duckweed. Duckweed is an aquatic plant that grows wild all over the world. It can float on the surface of a hog lagoon and form a sort of living green carpet that seals off the odor. It also converts the nutrients of the manure into lush fodder for cattle and hogs.

Odor or not, however, the question remains: why should a local community in Illinois, Iowa, or Kansas care if any new hog facilities ever get built? The answer is *economic growth*. Consider the following.

A 1995 study by the University of Minnesota found that federal programs to idle cropland for wheat, feed grains, rice, and cotton have reduced rural nonfarm populations by 30 percent since 1950. Much of this lost population would have been engaged in storing, processing, and transporting crops. Likewise, hogs not raised don't need new buildings, transportation, or processing.

Hog production is an important job generator in many Midwestern states. The University of Missouri projects that an additional 80,000 well-managed sows per year in the Show-Me State could create another 2,700 permanent jobs, and $200 million per year in personal income—primarily in rural areas that have previously lost population.

Today, pork production offers perhaps an unprecedented opportunity. Due to economic expansion and population growth in Asia, demand for pork is increasing like never before. In fact, experts predict that in the next 35 to 40 years, we'll have to *quadruple*, or more, the approximately 875 million hogs now on Earth. That's why new and expanded hog production facilities are being built in Australia, Canada, Mexico, South America, and, when opposition is overcome, the United States. And as they're built, new jobs and economic growth are being created.

When residents of rural and suburban communities reject new, environmentally friendly hog farms because of imagined odor problems, they are turning away more jobs and opportunities than they realize. Maybe they need to stop turning up their noses long enough to see the economic bonanza that lies behind every pig.

New technology is being developed all the time to mitigate porcine pungency. Even the fussiest neighbors would be quite surprised at the advances.

When residents of rural and suburban communities reject new, environmentally friendly hog farms because of imagined odor problems, they are turning away more jobs and opportunities than they realize.

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David Juday is an adjunct scholar at the Kansas Public Policy Institute and an adjunct fellow at the Hudson Institute's Center for Global Food Issues.

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Contacts

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Acton Institute
161 Ottawa NW #301, Grand Rapids, MI 49503, 616/454-3080, info@acton.org

Accuracy in Academia
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Accuracy in Media
4455 Connecticut Avenue NW #330, Washington, DC 20008, 202/364-4401, fax 202/364-4098, ar@take.aim.org

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1202 N. Tennessee Street. #202, Cartersville, GA 30120, 770/386-8373, fax 770/386-8323

The Alabama Family Alliance
PO Box 59468, Birmingham, AL 35259, 205/870-9900, fax 205/870-4407, ptarget@aol.com

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American Enterprise Institute
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American Institute for Economic Research
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American Legislative Exchange Council
910 17th Street NW, 5th Floor, Washington, DC 20006, 202/466-3800, fax 202/466-3801

American Policy Center
13873 Park Center Road #316, Herndon, VA 22071 703/925-0881, fax 703/925-0991

Americans for Tax Reform
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American Studies Institute
Harding University, Box 899, Searcy, AR 72149, 501/279-4497, fax 501/279-4076, gardner@harding.edu

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7800 Bonhomme, St. Louis, MO 63105, 314/725-6003, fax 314/721-3373, eamiller@basenet.net

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Arkansas Family Council
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Arkansas Policy Foundation
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Atlantic Legal Foundation
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The Blum Center for Parental Freedom in Education
Marquette University, Brooks Hall 209, PO Box 1881, Milwaukee, WI 53201-1881, 414/288-7040, fax 414/288-3170, blumcenter@vms.csd.mu.edu

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1300 19th Street NW #260, Washington, DC 20036, 202/833-8400, cir@mail.wdn.com

Center for Market Processes, Inc.
4084 University Drive #208 Fairfax, VA 22030 703/934-6970, fax 703/934-1578, cmp@gmu.edu

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121 North Kickapoo, Lincoln, IL 62656, 217/732-6462, fax 217/732-3696

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Washington University, Box 1208, One Brookings Drive, St. Louis, MO 63130-4899, 314/935-5630, fax 314/935-5688, warren@csab.wustl.edu

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The Center for Education Reform
1001 Connecticut Avenue NW #204, Washington, DC 20036, 202/822-9000, fax 202/822-5077, cerdc@aol.com

Center of the American Experiment
1024 Plymouth Building, 12 South Sixth Street, Minneapolis, MN 55402, 612/338-3605, fax 612/338-3621, amexp@amexp.org

CEO America
PO Box 1543, Bentonville, AR 72712, 501/273-6957, fax 501/273-9362, ceoa@aol.com

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Citizens for a Sound Economy
1250 H Street NW #700, Washington, DC 20005-3908, 202/783-3870, fax 202/783-4687, cse@cse.org

Citizens for Choice in Health Care
1954 University Avenue West #8, St. Paul, MN 55104 612/646-8935, fax 612/646-0100, twila@cchc-mn.org

Citizens for Educational Choice
90 Highland Street, Milford, MA 01757, 508/634-6847

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Citizens League
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1954 University Avenue West #8, St. Paul, MN 55104, phone 612/646-8935, fax 612/646-0100, email twila@cchc-mn.org, Web www.cchc-mn.org. Founded in February 1995, Citizens for Choice in Health Care is a nonprofit and nonpartisan 501(c)(6) organization established to support individual choice and privacy in health care decisions for all. CCHC monitors state and national health care legislation, holds educational forums, analyzes health care policy, participates in limited lobbying, and listens to patients. Memberships are $25/year.

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Choice in Education Foundation, Inc.
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Committee for a Constructive Tomorrow
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Consumer Alert
1001 Connecticut Avenue NW #1128, Washington, DC 20036, 202/467-5809, fax 202/467-5814, calert@aol.com

Consumers Research, Inc.
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112 South West Street, 4th Floor, Alexandria, VA 22314, 703/836-6200, fax 703/836-6550

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6235 33rd Street NW, Washington, DC 20015, 202/686-4197, fax 202/686-0240, dwalmasi@aol.com

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Drug Policy Foundation
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236 Johnson Avenue, Dumont, NJ 07628, 201/501-8574, fax 201/387-0744, info@dumontinst.com

Education Policy Institute
4401-A Connecticut Avenue NW Box 294 Washington, DC 20008, 202/244-7535, fax 202/244-7584, sdchar@aol.com

The Educational Excellence Network
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The Empire Foundation for Policy Research
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Environmental Education Enterprises
2764 Sawbury Boulevard, Columbus, OH 43235, 614/792-0005, fax 614/792-0006, e3jklucky@aol.com

Ethan Allen Institute
4836 Kirby Mountain Road, Concord, VT 05824, 802/695-1448, fax 802/695-1436 *eai@ethanallen.org*

Evergreen Freedom Foundation
PO Box 552, Olympia, WA 98507, 360/956-3482, fax 360/352-1874, effwa@aol.com

Families Against Mandatory Minimums
1001 Pennsylvania Avenue NW #200-S, Washington, DC 20004, 202/457-5790, fax 202/457-8564

The Family Foundation
PO Box 22100, Lexington, KY 40522, 606/255-5400

The Family Institute
200 12th Avenue South, Nashville, TN 37203, 615/254-3917

Family Research Council
801 G Street NW, Washington, DC 20001, 202/393-2100, fax 202/393-2134, frc@sojourn.com

Family Research Institute of Wisconsin
111 King Street #25, Madison, WI 53703-3339, 608/256-3228, fax 608/256-3370

The Federalist Society for Law and Public Policy Studies
1700 K Street NW #901, Washington, DC 20006, 202/822-8138, fax 202/296-8061

Florida Family Council
101 East Kennedy Boulevard #3120, Tampa, FL 33602, 813/222-8300, fax 813/222-8301

Focus on the Family
8605 Explorer Drive, Colorado Springs, CO 80920, 719/531-3400, fax 719/548-4525

Foundation for the Advancement of Monetary Education
211 East 43rd Street #2202 New York, NY 10017-4707, 212/818-1206, fax 212/818-1197

The Foundation for Economic Education
30 South Broadway, Irvington-on-Hudson, NY 10533, 914/591-7230, fax 914/591-8910, freeman@westnet.com

Foundation for Florida's Future
PO Box 144155, Coral Gables, FL 33114, 305/442-0414, fax 305/442-2215, cory@fff.org

Foundation for Research on Economics and the Environment
945 Technology Boulevard #101F, Bozeman, MT 59715, 406/585-1776, fax 406/585-3000, free@mcn.net

The Fraser Institute
626 Bute Street, 2nd Floor, Vancouver, BC, V6E 3M1 Canada, 604/688-0221, fax 604/688-8539, fraser_institute@mindlink.bc.ca

Free Congress Foundation
717 Second Street NE, Washington, DC 20002, 202/546-3004, fax 202/546-7689, netmail@fcfef.org

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Hoover Institution
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Illinois Public Policy Caucuses
151 North Michigan Avenue #2815, Chicago, IL 60601 312/565-4499, fax 312/565-4460

Independence Institute
14142 Denver West Parkway #185, Golden, CO 80401, 303/279-6536, fax 303/279-4176, tomtank@aol.com

Independent Institute
100 Swan Way, Oakland, CA 94621-1428 510/632-1366, fax 510/568-6040, info@independent.org

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Kansas Public Policy Institute
8165 East Central #304, Wichita, KS, 67206 316/683-0261, fax 316/683-0734, KPPI@aol.com

Kansas Taxpayers Network
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Law and Economics Center
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The Mid-America Legal Foundation
150 N. Michigan Avenue #2500, Chicago, IL 60601, 312/750-3569

Minnesota Family Council
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Minority Mainstream
13555 Bammel North Houston #189, Houston, TX 77066, 713/228-6246, fax 713/583-9534, grichardson@ghgcorp.com

Mississippi Family Council
PO Box 13514, Jackson, MS 39236, 601/969-1200, fax 601/969-1600, msfamily@aol.com

Mountain States Legal Foundation
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Pennsylvania Family Institute
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South Carolina Policy Council
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The St. Lawrence Institute
PO Box 307, N.D.G. Station, Montreal, Quebec, H4A 3P6, 514/489-0312, sparkins@pharma1.pharma.mcgill.ca

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Texas Citizens for a Sound Economy
1005 Congress Avenue #910, Austin, TX 78701, 512/476-5905, fax 512/476-5906

Texas Public Policy Foundation
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Virginia Citizens for a Sound Economy
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Virginia Institute for Public Policy
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Washington Institute Foundation
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Washington Legal Foundation
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